GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute.—Industrial Dispute between the workmen and the management of Varma Industrials Limited, Domlur Road, Bangalore-17.

Award of the Industrial Tribunal, Bangalore–Published.

Read the following papers :—

(1) Letter No. IT/969/72-73, dated 2nd November 1972 from Sri Narayan Rai Kudoor, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 31st October 1972

PRESENT

Sri Narayan Rai Kudoor, B.A., B.L., *Presiding Officer.*

I.D. No. 29 of 1971

Workmen represented by The Secretary, Textile and Processing Factories, Workers' Union, Vinayaka Buildings, 1st Cross Road, Malleswaram, Bangalore-3 .. *I Party*

Vs.

The Management of Varma Industrials Limited, Domlur Road, Bangalore-17. *II Party*

APPEARANCES

For the I Party :—

Sri M. C. Narasimhan, Advocate, Bangalore.

For the II Party :—

Sri V. L. Narasimha Murthy, Advocate, Bangalore.

AWARD

This is a reference made by the Government of Mysore under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) on the basis of a Joint application made to it by the workmen and the Management of Varma Industrials Limited situated on the Domlur Road, Bangalore, as per the order No. FCL 1366 LLD 71, dated 3rd December 1971 on the following points of dispute :—

> "Are the workmen justified in demanding introduction of gratuity scheme and if so what should be the quantum payable and on what conditions ?"

2. On receipt of the reference, it was numbered as I.D. 29 of 1971 on the file of this Tribunal. Workmen represented by the Secretary, Textiles and Processing Factories Workers' Union, Bangalore, is the I Party and the Management of Varma Industrials Limited, Domlur Road, Bangalore-17, is the II Party in this dispute. In pursuance of the notice both the parties entered appearance and filed their respective statement of demands, one supporting the demand and the other opposing the same.

3. On the pleadings of the parties, the following issues were framed :—

> "(1) Whether the II Party has got the financial capacity to bear the additional burden, in case, a gratuity scheme is introduced in it ?
>
> (2) What would be the provisions of the gratuity scheme, if allowed ?
>
> (3) To what reliefs the parties are entitled ?"

4. After settling the issues, the dispute was set down for evidence. During the pendency of the dispute, the Government of India passed an enactment called "The payment of Gratuity Act, 1972" (Act No. 39 of 1972) providing for compulsory introduction of gratuity scheme

in all the factories and other establishments coming under the provisions of the said Act laying down an uniform pattern which came into force with effect from 16th September 1972 by means of a Notification of even date published in the *Gazette of India* (*Extraordinary*) Part II Section 3 (ii), dated 16th September 1972.

5. The subject matter of the dispute is also a demand by the workmen for the introduction of a gratuity scheme in the II Party establishment. As there was no enactment for the introduction of a gratuity scheme, the I Party workmen raised a demand on the II Party Management regarding the introduction of a gratuity scheme which was finally referred to this Tribunal for adjudication since the parties did not agree on the subject. When the dispute is pending adjudication on the file of this Tribunal, the Central Government came forward with an enactment called "The Payment of Gratuity Act, 1972" which provides for compulsory introduction of a gratuity scheme of an uniform pattern in all the factories and establishments coming within the purview of the said Act. There is no dispute between the parties that the establishment owned by the II Party falls within the purview of the provisions of the said Act. That being the position, it was submitted by both the parties that no useful purpose would be served in proceeding with the enquiry relating to the dispute covered under the order of reference since provisions for introduction of a gratuity scheme is provided under the Payment of Gratuity Act, 1972 and the II Party is bound to introduce a gratuity scheme in the line provided under the said Act. Accepting the submission made by the parties, I pass an award rejecting the reference.

6. There will be no order as to costs.

NARAYAN RAI KUDOOR,
31-10-
Presiding Officer,
Industrial Tribunal, Bangalore.

ORDER

Bangalore, dated 23rd—25th November 1972

S.O. 796.—WHEREAS by State Government Order No. FCL 1366 LLD 71, dated 3rd December 1971 the Industrial Dispute between the workmen and the management of Varma Industrials Limited, Domlur Road, Bangalore-17, was referred to the Industrial Tribunal, Bangalore, for adjudication.

AND, WHEREAS, the Industrial Tribunal has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. FCL 229 LLA 72.]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,
Under Secretary to Government,
Food, Civil Supplies and Labour Department.